

H.C.R. 55

H.C.R. 38

H.C.R. 7

H.C.R. 6

H.C.R. 5

THIRTY-FIRST DAY
(Wednesday, March 18, 1987)

The Senate met at 11:00 a.m., pursuant to adjournment and was called to order by the President.

The roll was called and the following Senators were present: Anderson, Armbrister, Barrientos, Blake, Brown, Caperton, Edwards, Farabee, Green, Harris, Henderson, Johnson, Jones, Krier, Leedom, Lyon, McFarland, Montford, Parker, Parmer, Santiesteban, Sims, Tejada, Truan, Uribe, Washington, Whitmire, Zaffirini.

Absent-excused: Brooks, Glasgow, Sarpalius.

A quorum was announced present.

Senate Doorkeeper Jim Morris offered the invocation as follows:

Heavenly Father, as we prepare for the business of the day, we pray for each one as he or she contributes their individual talents and knowledge toward the making of government. May this 65th day of the 70th Session be recorded as a day of progress in the history of our State. With Your blessing, Father, it will be. Amen.

On motion of Senator Harris and by unanimous consent, the reading of the Journal of the proceedings of yesterday was dispensed with and the Journal was approved.

LEAVES OF ABSENCE

Senator Brooks was granted leave of absence for today on account of important business on motion of Senator Harris.

Senator Sarpalius was granted leave of absence for today on account of illness on motion of Senator Harris.

Senator Glasgow was granted leave of absence for today on account of important business on motion of Senator Harris.

REPORTS OF STANDING COMMITTEES

Senator Caperton submitted the following report for the Committee on Jurisprudence:

H.B. 288

S.B. 476

S.B. 474

S.B. 191

S.B. 439 (Amended)

Senator Parmer submitted the following report for the Committee on Intergovernmental Relations:

S.B. 481
S.B. 157
S.B. 482
S.B. 483
S.B. 584
S.B. 429
S.B. 273
S.B. 274
C.S.S.B. 276
C.S.S.B. 408

Senator Edwards submitted the following report for the Committee on Nominations:

We, your Committee on Nominations, to which were referred the attached appointments, have had same under consideration, and report them back to the Senate for final consideration.

To be Members of the BOARD OF REGENTS, THE UNIVERSITY OF TEXAS SYSTEM: Louis A. Beecherl, Jr., Dallas County; Sam E. Barshop, Bexar County; W. A. "Tex" Moncrief, Jr., Tarrant County.

To be Members of the BOARD OF REGENTS, THE TEXAS A&M UNIVERSITY SYSTEM: Douglas R. DeCluitt, McLennan County; William A. McKenzie, Dallas County; Wayne A. Showers, Hidalgo County.

To be a Member of the COMMISSION ON ALCOHOL AND DRUG ABUSE: Jerry P. Cunningham, Dallas County.

SENATE BILLS AND RESOLUTION ON FIRST READING

On motion of Senator Sims and by unanimous consent, the following bills and resolution were introduced, read first time and referred to the Committee indicated:

S.J.R. 51 by Sims State Affairs
Proposing a constitutional amendment relating to the issuance of general obligation bonds to provide financing for the Texas Food and Fiber Development Commission.

S.B. 1316 by Sims Natural Resources
Relating to the creation of a Texas food and fiber development program.

S.B. 1317 by Leedom Economic Development
Relating to the licensing and regulation of electricians and electrical contractors; providing a penalty.

CO-AUTHOR OF SENATE BILL 856

On motion of Senator Truan and by unanimous consent, Senator Green will be shown as Co-author of **S.B. 856**.

CO-AUTHOR OF SENATE BILL 857

On motion of Senator Truan and by unanimous consent, Senator Green will be shown as Co-author of **S.B. 857**.

CO-AUTHOR OF SENATE BILL 943

On motion of Senator Truan and by unanimous consent, Senator Green will be shown as Co-author of S.B. 943.

CO-AUTHOR OF SENATE BILL 1029

On motion of Senator Parker and by unanimous consent, Senator Uribe will be shown as Co-author of S.B. 1029.

MESSAGE FROM THE HOUSE

House Chamber
March 18, 1987

HONORABLE W. P. HOBBY
PRESIDENT OF THE SENATE

SIR: I am directed by the House to inform the Senate that the House has passed the following:

H.B. 74, Relating to the consolidation of county and municipal maintenance of birth and death records.

H.B. 441, Relating to the offense of possessing a controlled substance or dangerous drug within the confines of property belonging to the Texas Department of Corrections.

Respectfully,

BETTY MURRAY, Chief Clerk
House of Representatives

MESSAGE FROM THE GOVERNOR

The following Message from the Governor was read and was referred to the Committee on Nominations:

Austin, Texas
March 18, 1987

TO THE SENATE OF THE SEVENTIETH LEGISLATURE,
REGULAR SESSION:

I ask the advice, consent and confirmation of the Senate with respect to the following appointments:

TO BE JUDGE OF THE 103RD JUDICIAL DISTRICT, CAMERON AND
WILLACY COUNTIES, UNTIL THE NEXT GENERAL ELECTION AND
UNTIL HER SUCCESSOR SHALL BE DULY ELECTED AND QUALIFIED:

JANE AKIN BRASCH

518 East Harrison

Harlingen, Texas 78550

Mrs. Brasch will be filling the unexpired term of Judge Diego Leal of Brownsville who is deceased.

TO BE A MEMBER OF THE STATE PURCHASING AND GENERAL
SERVICES COMMISSION:

For a term to expire January 31, 1993:

ROSS D. MARGRAVES, JR.

601 Jefferson

Houston, Texas 77002

Mr. Margraves will be replacing Richard C. Strauss of Dallas whose term expired January 31, 1987. Mr. Strauss resigned effective February 23, 1987.

TO BE MEMBERS OF THE TEXAS HOSPITAL EQUIPMENT FINANCING COUNCIL:

For a term to expire September 1, 1991:

JOHN A. ADKINS
1200 Smith, Suite 3600
Houston, Texas 77002

Mr. Adkins will be filling the unexpired term of Stanley J. Scott of Dallas who resigned.

For a term to expire July 17, 1987:

HARRIS BRIN II
7506 W.N.W. Highway #2
Dallas, Texas 75225

Mr. Brin will be filling the unexpired term of Terrie Lynn Brown of Houston who resigned.

Respectfully submitted,

/s/W. P. Clements, Jr.
William P. Clements, Jr.
Governor of Texas

SENATE BILL 888 ON SECOND READING

On motion of Senator McFarland and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

S.B. 888, Relating to adoption of a nonsubstantive revision of statutes relating to local taxation; making conforming amendments and repeals.

The bill was read second time and was passed to engrossment viva voce vote.

SENATE BILL 888 ON THIRD READING

Senator McFarland moved that the Constitutional Rule and Senate Rule 68 requiring bills to be read on three several days be suspended and that **S.B. 888** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 27, Nays 1.

Nays: Washington.

Absent-excused: Brooks, Glasgow, Sarpalius.

The bill was read third time and was passed viva voce vote.

SENATE BILL 892 ON SECOND READING

On motion of Senator Henderson and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

S.B. 892, Relating to nonsubstantive additions to and corrections in enacted codes, including the nonsubstantive codification of various laws omitted from enacted codes and conforming codifications enacted by the 69th Legislature to other acts of that legislature.

The bill was read second time and was passed to engrossment viva voce vote.

SENATE BILL 892 ON THIRD READING

Senator Henderson moved that the Constitutional Rule and Senate Rule 68 requiring bills to be read on three several days be suspended and that S.B. 892 be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 27, Nays 1.

Nays: Washington.

Absent-excused: Brooks, Glasgow, Sarpalius.

The bill was read third time and was passed viva voce vote.

GUEST PRESENTED

Senator Barrientos was recognized and introduced the Capitol Physician for the Day, Dr. Nilon Tallant of San Marcos.

Dr. Tallant was welcomed and received the appreciation of the Senate for his service.

SENATE BILL 894 ON SECOND READING

On motion of Senator McFarland and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

S.B. 894, Relating to adoption of a nonsubstantive revision of the statutes relating to the executive branch of government, including penalties and conforming amendments.

The bill was read second time and was passed to engrossment viva voce vote.

SENATE BILL 894 ON THIRD READING

Senator McFarland moved that the Constitutional Rule and Senate Rule 68 requiring bills to be read on three several days be suspended and that S.B. 894 be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 27, Nays 1.

Nays: Washington.

Absent-excused: Brooks, Glasgow, Sarpalius.

The bill was read third time and was passed viva voce vote.

SENATE BILL 895 ON SECOND READING

On motion of Senator Henderson and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

S.B. 895, Relating to conforming the Judicial Title of the Government Code to certain Acts of the 69th Legislature, conforming that title to amendments to the constitution proposed by the 69th Legislature and adopted by the voters, and to nonsubstantively codifying in that title certain related statutes.

The bill was read second time and was passed to engrossment viva voce vote.

SENATE BILL 895 ON THIRD READING

Senator Henderson moved that the Constitutional Rule and Senate Rule 68 requiring bills to be read on three several days be suspended and that S.B. 895 be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 27, Nays 1.

Nays: Washington.

Absent-excused: Brooks, Glasgow, Sarpalius.

The bill was read third time and was passed viva voce vote.

SENATE BILL 896 ON SECOND READING

On motion of Senator McFarland and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

S.B. 896, Relating to the adoption of a nonsubstantive revision of the statutes relating to local government, including conforming amendments, repeals, and penalties.

The bill was read second time.

Senator McFarland offered the following committee amendment to the bill:

Amend **S.B. 896** as follows:

(1) On page 469, line 1, strike "Subsection (i)" and substitute "Section 143.056(h)".

(2) On page 469, line 5, after the period, insert "(V.A.C.S. Art. 1269m, Sec. 16b(b) (part).)"

(3) On page 469, strike lines 6-16.

(4) On page 474, line 12, strike "(V.A.C.S. Art.)".

(5) On page 474, between lines 12 and 13, insert the following:

(h) The department head may order an indefinite suspension based on an act classified as a felony or a Class A or B misdemeanor after the 180-day period following the date of the discovery of the act by the department if the department head considers delay to be necessary to protect a criminal investigation of the person's conduct. If the department head intends to order an indefinite suspension after the 180-day period, the department head must file with the attorney general a statement describing the criminal investigation and its objectives within 180 days after the date the act complained of occurred. (V.A.C.S. Art.

(6) On page 474, line 13, strike "(a), (b), (c), (d), (e), (f), (g)".

The committee amendment was read and was adopted viva voce vote.

On motion of Senator McFarland and by unanimous consent, the caption was amended to conform to the body of the bill as amended.

The bill as amended was passed to engrossment viva voce vote.

SENATE BILL 896 ON THIRD READING

Senator McFarland moved that the Constitutional Rule and Senate Rule 68 requiring bills to be read on three several days be suspended and that **S.B. 896** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 27, Nays 1.

Nays: Washington.

Absent-excused: Brooks, Glasgow, Sarpalius.

The bill was read third time and was passed viva voce vote.

**COMMITTEE SUBSTITUTE SENATE BILL 418
ON SECOND READING**

Senator Parmer moved that the regular order of business and Senate Rules 12 and 89 be suspended to take up **C.S.S.B. 418** for consideration at this time on its second reading and passage to engrossment:

C.S.S.B. 418, Relating to the composition of the board of directors of a property tax appraisal district.

The motion prevailed by the following vote: Yeas 19, Nays 7.

Yeas: Anderson, Armbrister, Barrientos, Brown, Green, Harris, Henderson, Johnson, Krier, Leedom, Lyon, McFarland, Montford, Parmer, Santiesteban, Tejeda, Truan, Washington, Zaffirini.

Nays: Blake, Caperton, Edwards, Farabee, Jones, Parker, Sims.

Absent: Uribe, Whitmire.

Absent-excused: Brooks, Glasgow, Sarpalius.

The bill was read second time.

Senator Zaffirini offered the following amendment to the bill:

Amend **C.S.S.B. 418** by adding the following subsection (3) to SECTION 2 of the bill to read as follows:

(3) any counties having a population of 7,500 or less according to the most recent federal census, and in which no incorporated city or town exists.

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SIMS

The amendment was read and was adopted by the following vote: Yeas 28, Nays 0.

Absent-excused: Brooks, Glasgow, Sarpalius.

On motion of Senator Parmer and by unanimous consent, the caption was amended to conform to the body of the bill as amended.

The bill as amended was passed to engrossment viva voce vote.

RECORD OF VOTES

Senators Edwards and Jones asked to be recorded as voting "Nay" on the passage of the bill to engrossment.

SENATE BILL 409 ON SECOND READING

Senator Farabee asked unanimous consent to suspend the regular order of business to take up for consideration at this time:

S.B. 409, Relating to a parent's duty to support a child of the parent's child and the creation of a criminal offense for nonsupport of the child.

There was objection.

Senator Farabee then moved to suspend the regular order of business and take up **S.B. 409** for consideration at this time.

The motion prevailed by the following vote: Yeas 27, Nays 1.

Nays: Green.

Absent-excused: Brooks, Glasgow, Sarpalius.

The bill was read second time.

Senator Farabee offered the following amendment to the bill:

Amend **S.B. 409** in the following manner:

Substitute the following for p. 4, lines 3-9:

(j) An individual commits an offense under this section if he intentionally or knowingly fails to provide support for a child of a child that he is obligated to provide under Section 12.041, Family Code. An offense under this Subsection is a Class A misdemeanor. The provisions of this Section that enhance the offense to a third degree felony do not apply to an offense under this Subsection.

The amendment was read and was adopted viva voce vote.

On motion of Senator Farabee and by unanimous consent, the caption was amended to conform to the body of the bill as amended.

The bill as amended was passed to engrossment viva voce vote.

SENATE BILL 409 ON THIRD READING

Senator Farabee moved that the Constitutional Rule and Senate Rule 68 requiring bills to be read on three several days be suspended and that **S.B. 409** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 26, Nays 2.

Yeas: Anderson, Armbrister, Barrientos, Blake, Brown, Caperton, Edwards, Farabee, Harris, Henderson, Johnson, Jones, Krier, Leedom, Lyon, McFarland, Montford, Parker, Parmer, Santiesteban, Sims, Tejada, Truan, Uribe, Whitmire, Zaffirini.

Nays: Green, Washington.

Absent-excused: Brooks, Glasgow, Sarpalius.

The bill was read third time and was passed viva voce vote.

HOUSE BILL 2 ON SECOND READING

On motion of Senator Jones and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to third reading:

H.B. 2, Relating to creation of the Select Committee on Tax Equity.

The bill was read second time.

Senator Jones offered the following committee amendment to the bill:

Amend **H.B. 2** by striking Subsection 4b in Section I and substituting the following:

- (b) The speaker of the house of representatives and the lieutenant governor shall jointly select the chairman of the committee from among its members.

The committee amendment was read and was adopted viva voce vote.

On motion of Senator Jones and by unanimous consent, the caption was amended to conform to the body of the bill as amended.

The bill as amended was passed to third reading viva voce vote.

HOUSE BILL 2 ON THIRD READING

Senator Jones moved that the Constitutional Rule and Senate Rule 68 requiring bills to be read on three several days be suspended and that **H.B. 2** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 27, Nays 1.

Nays: Washington.

Absent-excused: Brooks, Glasgow, Sarpalius.

(Senator Lyon in Chair)

The bill was read third time and was passed by the following vote: Yeas 28, Nays 0.

Absent-excused: Brooks, Glasgow, Sarpalius.

(President in Chair)

SENATE BILL 816 ON SECOND READING

Senator Armbrister moved to suspend the regular order of business to take up for consideration at this time:

S.B. 816, Relating to depreciation of foreclosed real estate.

The motion prevailed by the following vote: Yeas 28, Nays 0.

Absent-excused: Brooks, Glasgow, Sarpalius.

The bill was read second time and was passed to engrossment viva voce vote.

SENATE BILL 816 ON THIRD READING

Senator Armbrister moved that the Constitutional Rule and Senate Rule 68 requiring bills to be read on three several days be suspended and that **S.B. 816** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 27, Nays 1.

Nays: Washington.

Absent-excused: Brooks, Glasgow, Sarpalius.

The bill was read third time and was passed by the following vote: Yeas 28, Nays 0.

Absent-excused: Brooks, Glasgow, Sarpalius.

**COMMITTEE SUBSTITUTE SENATE BILL 305
ON SECOND READING**

On motion of Senator Farabee and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

C.S.S.B. 305, Amending the Texas Controlled Substances Act, as amended (Article 4476-15, Vernon's Texas Civil Statutes); prohibiting unlawful manufacture, delivery, or possession of controlled substance analogues; providing penalties.

The bill was read second time and was passed to engrossment viva voce vote.

**COMMITTEE SUBSTITUTE SENATE BILL 305
ON THIRD READING**

Senator Farabee moved that the Constitutional Rule and Senate Rule 68 requiring bills to be read on three several days be suspended and that C.S.S.B. 305 be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 27, Nays 1.

Nays: Washington.

Absent-excused: Brooks, Glasgow, Sarpalius.

The bill was read third time and was passed by the following vote: Yeas 28, Nays 0.

Absent-excused: Brooks, Glasgow, Sarpalius.

SENATE BILL 899 REREFERRED

On motion of Senator Harris and by unanimous consent, S.B. 899 was withdrawn from the Committee on Education and rereferred to the Committee on Economic Development.

SENATE BILL 549 REREFERRED

On motion of Senator McFarland and by unanimous consent, S.B. 549 was withdrawn from the Committee on Criminal Justice and rereferred to the Committee on Jurisprudence.

NOTICE OF CONSIDERATION OF NOMINATIONS

Senator Edwards gave notice that he would tomorrow at the conclusion of Morning Call submit to the Senate for consideration nominations to agencies, boards and commissions of the State.

MEMORIAL RESOLUTION

S.R. 215 - By Montford: Memorial resolution for George Woods.

CONGRATULATORY RESOLUTIONS

S.C.R. 70 - By Armbrister: Commending Patricia Ruth Settle.

S.C.R. 71 - By Armbrister: Commending Dr. Charles W. Graham.

ADJOURNMENT

On motion of Senator Truan, the Senate at 12:03 p.m. adjourned in memory of W. W. Callan and Professor E. Mireles until 11:00 a.m. tomorrow.

**THIRTY-SECOND DAY
(Thursday, March 19, 1987)**

The Senate met at 11:00 a.m., pursuant to adjournment and was called to order by the President.

The roll was called and the following Senators were present: Anderson, Armbrister, Barrientos, Blake, Brooks, Brown, Caperton, Edwards, Farabee, Green, Henderson, Johnson, Jones, Krier, Leedom, Lyon, McFarland, Montford, Parker, Parmer, Santiesteban, Sims, Tejeda, Truan, Uribe, Washington, Whitmire, Zaffirini.